

REMARKS

In response to the restriction requirement, Applicants elect the claims of Group I (claim 1 and newly added claims 18-20) with traverse. Applicants submit that the invention encompassed by the claims of Groups I and II (drawn to polypeptides and antibodies to the polypeptides) could be examined at the same time, without undue burden on the Examiner. For example, a search of the prior art to determine the novelty of the antibodies would substantially overlap with a search of the claims directed to the polypeptide, as they would also encompass compounds which bind to the polypeptide. Note that this would also apply to the claims of group III and IV, which are drawn to agonists and antagonists that bind to the polypeptide.

Accordingly, because the searches required to identify prior art relevant to the claims of Groups I- IV would substantially overlap, Applicants respectfully submit that examination of all of the pending claims would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the entirety of Applicants' claims.

Applicants appreciate that the claims of Group V, which are directed to methods of using/detecting polynucleotides (to which claims have now been added), would require a different search. However, it is noted that the polynucleotides of original claim 2, expression vectors and host cells containing them, and methods of making the polypeptide encoded by the polynucleotides have already been examined and issued in the parent application. The claims of Group IV, directed to methods of hybridization (claim 17, now replaced by claims 21-24), should have been rejoined with and examined in the nucleotide application under the *Ochiai* and *Brouwer* Guidelines, but this was not done. Applicants submit herewith new claims 20-24, which are drawn to substantially the same polynucleotide invention, including the omitted method claims, but which are of a somewhat different scope. Applicants respectfully submit that there is minimal additional burden on the Examiner to examine those claims in addition to the claims elected in the present application, particularly in view of the searches and examination which were already conducted with respect to the previously issued claims and the additional burden on Applicants to file, prosecute and maintain yet another application in this family, and respectfully request that the Examiner consider doing so.

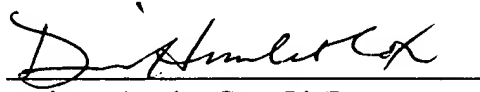
Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Incyte Pharmaceutical, Inc. Deposit Account No. 09-0108.

This form is enclosed in duplicate.

Respectfully submitted,

INCYTE PHARMACEUTICALS, INC.

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